

a libel praying seizure and condemnation of 19 cases of frozen shrimp at Denver, Colo., consigned by Mid-Central Fish Co.; alleging that the article had been shipped on or about August 18, 1938, from Kansas City, Mo.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed and putrid animal substance.

On January 23, 1939, the Mid-Central Fish Co. having signed an authorization for taking final decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30175. Adulteration of candy. U. S. v. 12 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 44040. Sample No. 35655-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 30, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cartons of candy at Boston, Mass.; alleging that the article had been shipped on or about October 25, 1937, by D. Goldenberg, Inc., from Philadelphia, Pa.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30176. Misbranding of peanut butter. U. S. v. John D. Johnston, Jr. (J. D. Johnston, Jr. Co.). Plea of guilty. Fine, \$100. (F. & D. No. 42604. Sample Nos. 16374-D, 16376-D, 24418-D, 24419-D, 29036-D.)

This product was short of the declared weight.

On January 25, 1939, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John D. Johnston, Jr., trading as J. D. Johnston, Jr. Co., Brundidge, Ala., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, within the period from on or about March 4, 1938, to on or about April 7, 1938, from the State of Alabama into the States of Louisiana, Tennessee, and Georgia of quantities of peanut butter that was misbranded. The article was labeled in part: (Jars) "Johnston's * * * Peanut Butter * * * Packed by J. D. Johnston Jr. Co. Inc."; or "Harvest Moon * * * Packed For Harvest Products Co. Atlanta, Georgia."

It was alleged to be misbranded in that the statements, "32 Oz. [or "8 Oz." or "16 Oz."] Net Wt. When Packed," and "Contents 16 Oz.," borne on the jars, and "8 Oz. and "16 Oz.," borne on certain of the cases, were false and misleading and were borne on said jars and cases so as to deceive and mislead the purchaser, since the jars contained less than the amounts stated. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 10, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30177. Adulteration of canned shad. U. S. v. 81 Cases and 123 Cases of Shad. Decree of condemnation. Product released under bond conditioned that unfit portion be destroyed. (F. & D. Nos. 44583, 44593. Sample Nos. 30400-D, 42086-D.)

This product was in part decomposed.

On December 27, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 204 cases of canned shad in part at Norristown, Pa., and in part at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about May 19, 1938, by F. E. Booth Co., Inc., from Oakland, Calif.; and charging adulteration